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The Case of the Juridical Junkie: *Perry Mason* and the Dilemma of Confession

Anita Sokolsky

As in the case of a parson's invective, the important point about courtroom drama is that it's trying: good will compensates for a lack of expertise. But in fact such invective does more than manifest a muddled populism: it refers delicately to a more intimate knowledge of that which it leaves unsaid and startles by being the least likely source of a knowing critique. Similarly, while courtroom drama may seem to offer a limited and decorous account of the judicial system, it in fact reveals an acute sense of what it means to give scandal to the law. If one considers the law to include not solely the operations of the judiciary, but its dissemination in the cultural imagination—and I suspect that more people's attitudes toward the legal system are shaped by courtroom dramas and mystery novels than by knowledge of that system itself—dramatized representations of the law provide only the most explicit indications of how our culture has internalized notions of judgment and wrongdoing. The effects of such internalization are presumably to be located less in the constraints placed on our overt criminal behavior than in more finely nuanced concerns about transgression, exposure, and punishment. Such issues are most forthrightly staged by courtroom drama in the confrontation between avenger and murderer and most satisfyingly capped by the criminal's impassioned confession—a confession compelled by motives that subtly threaten to bring confusion to the system of law it serves.

The power of the confession scenario is evidenced in the popularity of some of its best-known exponents. Perry Mason mysteries by Erle Stanley Gardner, the second best-selling writer to date (Agatha Christie is the third), spawned a twelve-year radio show and a nine-season television series which is still widely rerun.¹ While a program such as *L.A. Law* offers a more sophisticated exposé of legal politics, the popular *Murder, She Wrote* regularly enforces the formula of murderer confessing to (amateur) detective, with the added sophistication of a teleplay reconstruction of the crime to bolster the detective's elucidation. The scene that provokes the

1. Cited in the *Guinness Book of World Records* (New York: Bantam Books, 1989). According to Alex Macneil, *Total Television: A Comprehensive Guide from 1948 to the Present* (New York: Penguin Books, 1984), *Perry Mason* ran from September 1957 through September 1966.

criminal's confession appears to exert compulsion over those who witness it as well.

The link between confession and compulsion is not fortuitous. Confessions are "blurted" or "extorted"; interviews are "granted." Since confession involves admitting information that had been wilfully suppressed in order to protect one's skin, reputation, or cause (or those of dear persons), freely confessing would imply that the confessor has either embraced a new form of salvation or has been persuaded that he or she had previously misunderstood the nature of what constituted self-preservation. But it is not clear that such willing acknowledgement could be interestingly called confession except in the limited sense of expressing that which had previously been hidden. Distinguished in its primary connotations by an edge of unwillingness, confession entails compulsion; the interesting question about their relation becomes how and by whom compulsion is exercised, and to what extent the act of confession may be understood to mark a crisis in the distinction between compulsion and responsible agency.

In the legal context compulsion is understood to refer primarily to pressure exerted on wrongdoers by representatives of the law. In courtroom dramas, the manner in which confession is compelled is less intriguing than why self-betrayal is so compulsive. The problem of confessions coerced by over-zealous or unscrupulous law-enforcers is superceded by the compulsion fictitious criminals seem to be under to squawk. Indeed, given the alacrity with which such criminals, and in particular murderers, blurt out the manner and motive of their crimes when confronted with damning (but not, perhaps, irrefutable) evidence, wantonly refusing to take the Fifth prior to copping a plea, it would seem that that moment of release more than compensates for, even perhaps motivates, their strenuous risks in apprehension of unspecified—and so in some measure absolute—punishment. Perhaps the burden of guilt wears down even the hardiest criminal. Yet these lawbreakers rarely betray remorse, and suffer the incarceration of beloved innocents with no discernible qualms. The strain of guilt seems less insupportable than that of unacknowledged triumphs or disappointed hopes. But neither frustrated ego nor morbid impenitence is sufficient to account for what amounts, in its persistency and self-destructiveness, to a criminal addiction to the scenario of confession.

One might attribute the audience's fascination with this scenario to the unfathomable inertia of the mind in relation to its most banal fantasies; or to a devotion to the inexorable workings of justice; or to a vindictive and abject delight at the collapse of insolence in face of a more ruthless sadism. What it is not is a tribute to the judicial system. For one thing, it's hard to imagine that a mass audience would be sufficiently apprehensive or enamored of that system *per se* to crave its ritual celebration; for another, these dramatic representations generally betray a strong skepticism about the prosecutor's legal maneuvers. Confession works in fact to forestall judicial

miscarriage by a shortsighted and pigheaded prosecution. If the interest is not solely in these psychological projections nor in a formal apprenticeship to the hazards of the legal system, the scenario of confession, I will argue, exercises its greatest power as the site of a fantasy about how agency is constituted under the law.

While most popular representations of the law work to uphold the notion of responsible agency upon which the legal framework depends, the fact that those representations exercise a compulsive effect on criminals and viewers alike suggests that they provoke an examination into addictive behavior. The addictive quality of mass culture is a source of dismay for high-culture advocates such as Allan Bloom, for whom the moral value of great literature may reside less in its power to teach us a particular ethics than to resist addiction. And, as we are increasingly informed, addiction leads to crime. (Perhaps it is no accident that the former head of the NEH, an exponent of the moral power of great literature, should now head the anti-drug effort.) While I don't wish to dispute the pragmatic connection between crime and certain forms of addiction, one might wonder precisely how literary high cultural products, which so often obsessively detail addictive psychology, manage to avert the crimes presumably entailed in aesthetic addictions—crimes against judgment, moral agency, measurement of consequences—whereas a work of “low” culture like *Perry Mason*, whose ostensible endeavor is to teach us to abhor such crimes, insidiously hooks us on them. A more precise distinction between high and mass culture would hinge not on their rejection or mobilization of compulsive effects, but on what we take to be their relative accounts of responsible agency and compulsion—a distinction that aligns legal preference in the matter with the assumptions of high culture.

D. A. Miller has given an impeccable account of the ways in which the self-help book, as our most prolific current literary form, attempts to compel social reintegration by training us to convert our compulsions into choices—and to do so in a mode which makes us narrative junkies, addicted to the format that teaches us to believe in and practice our own liberating self-fashioning. The dissipation of “high” style to which he refers becomes part of the addictive nature of the process.² One might argue that in contrast great literature is a marvelous detoxifying agent—no matter how absorbing, one can always put it down with alacrity. The connoisseur's capacity for appreciative appraisal is meant to preserve him from addiction: hence the pride in being the svelte gourmet, the uninebriate wine-taster. High culture teaches us that to have the capacity to judge is to be able to choose one's compulsions, whereas the danger

2. I am indebted to D.A. Miller's as yet unpublished work for the insights that inspired my consideration of the issues of this essay. My later references to Robin Norwood's work were occasioned by his analysis of that work.

posed by addictive popular forms (such as self-help psychology, courtroom drama and mysteries) is that they compel us to believe in the seductive primacy of choice: that we can be, believe, and act as we choose.

We might ask, What is the impetus behind our addiction to the narrative of self-reclamation, a narrative whose crisis is enacted in the drama of confession? If our culture thrives on or even demands this drama as a means of indoctrinating us into a certain notion of the self as agent, what precisely is at stake in that scenario? What crisis is being staged, what cultural fantasy ratified?

To answer these questions I want to examine a drama of true confession to which I am addicted—the courtroom drama *Perry Mason*. I prefer it as an example to the slick involutions of shows which reveal the pursuit of true confession to be the product of an obsession with professionalism or moral decency, whereas in the pursuit's purer form, Perry Mason's compulsion to elicit true confession marks an addiction to that scenario *per se*. (His addictive nature can be witnessed in his workaholic and radical fluctuations in bulk.) Perry Mason (Raymond Burr) is a Los Angeles defense attorney whose clients are infallibly misaccused and who, not content to impeach the grounds of their accusation, goads the murderer to confess by mesmerically recounting the manner and motive of the crime, until the murderer bursts forth with his confession—always to the bafflement of the prosecuting attorney Hamilton Burger (William Talman), whose anxious rivalry and toad-like triumphs are confounded by the revelation of the truth. What Perry Mason must do to save both his client and his reputation—for his courtroom pyrotechnics and insidious manipulations of the law's letter repeatedly imperil him in the eyes of prosecuting attorney and judge—is trap the guilty one into confessing by demonstrating the inexorable logic by which he and he alone could have been the murderer.

The process is like that undertaken by the self-help therapist Robin Norwood in her bestselling book *Women Who Love Too Much*:³ to prove to the woman who loves too much her guilty complicity in choosing precisely the lover who will replicate with deadly accuracy the same old story—the love for an addictive, abusive, and seductive parent whom one wants to care for, protect, and humiliate. The inexorable logic of evidence which proves the guilt of killer or lover demonstrates the belief of either in the inescapable logic of his or her psychic history. The detective and the self-help expert are engaged in teaching murderer and patient respectively to acknowledge their addiction to the internalized scenario which dictates their behavior.⁴ The murderer kills and the neurotic ruins relationships

3. Robin Norwood, *Women Who Love Too Much* (New York: Bantam Books, 1985).

4. As a defense attorney, Perry Mason's job is to save his clients from the consequences of what often turns out to be unwitting and externally induced addictive behavior. In "The Case of the Blonde Bonanza," for example, a svelte blonde who can't stop eating, lying on the beach devouring candy

because they are creatures of compulsion. On some level they recognize that such behavior is socially unacceptable: that, as one indignant cross-examinee of Perry Mason's asserts, "Killing isn't *always* the answer to *everything*." The defenses mounted by killer or neurotic are an attempt to mask the compulsion that marks him or her out, so that he or she cannot be identified in a crowd of suspects or divorcees. The disguise may work for everyone but the trained interpreter: at the moment when detective or therapist forces a true confession, murderer or patient is compelled to reveal that his or her guilt consists not only in an act of literal or psychic violence but also in a secret belief in the necessity, not just the circumstance, of having been oneself. The murderer is accused of and condemned for the immoral ruthlessness of believing that his imperative desires must be acted upon. One must not merely be oneself, but must also be addicted to being oneself, in order to become a murderer.

I am defining addiction as compulsive engagement in an activity against one's better judgment. The addictive scenario repeatedly enacts an illusory battle of choice; the battle invariably leads to submission to what others perceive to be a form of self-destruction but which one interprets as self-preservation. That submission feels at once like a form of defiant choice—"I *will* do it if I want to"—and a comforting submission to a greater care—"You know best; take care of me." Compliantly feeding one's addiction creates the momentary sense that a crisis has been resolved.

To force the murderer to confess is to help to cure his or her addiction. The murderer must be made to see that what appeared to be a self-preserved mode has in fact turned out to be self-destructive. To the murderer's "Don't you see I had to do it?" the lawyer responds "You had a choice." The moral function of the lawyer as a representative of society is to recast the murderer's sense of compulsion as an issue of ethical responsibility. But in the act of cornering the murderer, Perry Mason adopts a rhetoric of inevitability rather than one of plausibility. He feels compelled to discover the only one who, by a concatenation of temperament, motive, and circumstance, could have committed the murder. A choice of potentially murderous subjects resolves itself into the murderer and the wrongfully accused: it's not that among the suspects it turned out to be X who acted, but that in the eyes of the Law it had to be X. The murderer's own sense of psychological compulsion must be made commensurate with the lawyer's sense of the compelling nature of empirical evidence. In order to achieve this, the lawyer must rely on a rhetoric of coherent motivation, in which the logical constraints of legal interpretation themselves end up ex-

bars which Paul Drake has tallied up to seven, turns out to be cheerfully trying to gain weight for an assignment to model clothes for "plumpish" women; but the contract for that assignment turns out to have trapped her into playing a crook's unknowing pawn, until Perry Mason intervenes. He can't, however, mitigate her distress about her extra ten pounds.

ercising a motive force over the evidence, whose otherwise haphazard or accidental status is harnessed into a narrative of logical inexorability. Such rhetoric might be perceived as merely opportunistic, given Perry Mason's tendency to favor psychological mental states over external physical evidence: the perspicacity with which he locates the innocence of the defendants, those gutsy dupes whose acts of criminal foolhardiness appear to the prosecution sufficiently damning evidence to charge them with first-degree murder, is due to Mason's conviction that the defendant isn't the type, or is attached to someone who isn't the type, either to murder or to lie about the big things in life. But Mason's impassioned and undeviating reliance on the rhetoric of logical compulsion suggests that more is at stake in his need to prove that choice is a misnomer for compulsion in order to reinstate responsible agency.

Detective and murderer turn out to share a belief in the notion of a self whose responsibility as an agent consists in acting out who he or she must be as though there were a choice involved. That this dilemma about the nature of agency poses a problem of social definition may be seen in the shift from competitive infighting between Prosecutor and the Defense to concern for uncovering "the truth." The closing of ranks between legal antagonists marks the moment when the structure of belief in the individual's responsibility to govern his or her actions is under greatest pressure: when the struggle for the judge's approbation gives way to a fear that such a struggle might demoralize belief in the individual's responsibility to govern his or her actions. The force of the cultural investment in proving the necessity of identity is so great that even the murderer rushes in to join ranks with the prosecutors. For the murderer almost never confesses at the point when it could be he and only he who committed murder. In fact, the apparently remorseless logic which isolates the culprit also pricks his remorse precisely toward the structure which affirms the inexorability of his identity as murderer, of being who he must be; he bursts forth with a confession before being in fact compelled to, but with the air of compulsion, as though to rectify any potential flaw in the system that would allow him to slip through its cracks. Murderer and detective collude in engendering the compulsive nature of the confession. The scandalous thrill of the true confession thus resides not so much in the revelation of the truth as in the fact that the moment when the law triumphs demands the mobilization of an heretical ideology in order to reassert the primacy of the belief that one can choose one's compulsions.

Why should the murderer submit to self-incrimination? We must look for an answer to the mesmeric figure of Perry Mason himself, who evokes in culprit and viewer alike a passion to be judged. The incorruptible and ingenious lawyer, willing to flout legalisms for truth's sake; whose massive shoulders wronged heads can spiritually lean on and nefarious or presumptuous muscle cannot budge; whose baritone can soothe or harrow,

whose large eyes and extensive lashes, restricted to appraisal or grave reproach, can yet prompt the viewer to seek vainly for traces of mournfulness, tenderness, even a fantasized history of privation--this cultural icon cuts a swathe through the ranks who gather to watch him, each dreaming of a momentary contact with those eyes and fearing whether they will read there succor or vengeance. One can only speculate how many up-and-coming lawyers still harbor a vestige of belief that they might yet perform an act of legal candor sufficient to earn them the awkward approval that marks his hefty efforts at camaraderie. For conviviality is not his strong suit; one suspects that he was raised as Lady Justice's mamma's boy, that shyness precludes intimacy beyond the low-key gestures of flirtation with which he rewards the unconditional availability of his secretary Della Street (Barbara Hale), or the thumps on the shoulder and manly teasing with which he acknowledges the mildly agonizing posture of cheery inferiority adopted by his hunk-on-the-verge-of-running-to-seed private investigator Paul Drake (William Hopper). Perry Mason, in other words, represents the evacuation of personal history in service of the minimal psychological tendencies with which the figure of absolute judgment is endowed. The fantasy-provoking and conclusion-deflecting nature of these tendencies fixes our attention on the drama of one's own legibility in the highly trained eyes of an interpreter who scans others for evidence of their natures as though they concealed a superflux of qualities and motives susceptible of being accurately deciphered and assessed.⁵ If Mason's obduracy imposes a standard of unimpeachable judgment for which accusation and defense constitute the polarities, we—and murderers especially—are granted the capacity to articulate an impassioned narrative of self-justification. That such self-justification is abundantly available to be judged only intensifies the urgency of its articulation.

The intensity of this mesmerizing exchange arises from its reworking the relation of compulsion and agency. If Perry Mason is a figure of minimal desire, he is thereby licensed to make absolute demands. The compulsive influence exerted by Perry Mason and the confessed murderer over one another at the moment when the lawyer in effect exclaims "It had to be you!" puts the embodiment of justice in the position of a destined lover. In the bitterness and amorous delight of that statement one hears both "Of course it had to be you!" and "Of all the people in the world it had to be you?". That this recognition takes the form of an accusation makes the murderer the avenging counsel's betrayer. The thrill of discovery and the bitterness are inseparable; for the bitterness marks the luxurious skepti-

5. The function served by Perry Mason has been usurped on the program *Murder, She Wrote* by a videocamera which offers visual proof, during mystery writer Jessica Fletcher's elucidation of the crime to the shortly-to-be-spilling-his-guts murderer, by showing the accused committing the crime: a gratification of the paranoid fantasy that even one's off-camera actions are being duly recorded, the outtakes to be damningly aired at the least convenient opportunity.

cism of a believer, amorous or juridical, when the perfidies of a lover or murderer only confirm the boundless health of the system they appear to betray. The murderer's passionate confession ("Yes it had to be me!") marks the non-reciprocal nature of the relation. The murderer is in the position of non-negotiable beloved, whose power is to be derived, not from expressing an equal attachment, but from confirming the avenger's worldview by being the one best suited to betray it. The compulsion to confess marks the intensity of the urge to claim that status, to assent to the power of the accuser's fantasy life over one's own, as if the murderer had been waiting, gropingly performing, to find out whose fantasy he or she had been enacting. If the overt exchange between culprit and accuser entails the former's pleading compulsion and the latter's insisting on responsible agency, in the subtext of the confession the accuser claims compulsion while the culprit embraces agency—with a twist. The murderer in effect says to Perry Mason, "You invented my agency by making it clear how I operate in your narrative; now you have given me a narrative within which to explain my compulsion by making me the source of your addiction."⁶ By confessing, the murderer in effect responds to the accuser, in the words of the Sixties rock group, The Parliaments: "I just wanna testify/What your love has done to me." At the moment of accusation and confession murderer and lawyer achieve maximal conviction: the unquestioned sincerity of the murderer, most persuasively delivered of his conviction that by confessing he has finally found a self-justifying narrative (even if the terms of the confession are not themselves taken as a sufficient justification for the act of murder), mingles with the accuser's assurance that the murderer will indeed be convicted.

Within the terms of this confrontation, the simultaneity of these convictions is no accident. For if the murderer's self-incriminating compulsion to confess is warranted by acquiring agency in another's system, Perry Mason's addictive commitment to a notion of compulsive agency which contravenes the system that empowers him nonetheless preserves his career and his position within the erotic triangles that sustain him. In his office "domestic" triangle, Della Street and Paul Drake sustain a flirtation mediated by the more intense attachment of each to their employer, whose favors, in the form of assignments or rare accolades, are distributed with sufficient regularity and impartiality to discourage any displacement of his centrality. In the highly-charged male triangle of the courtroom, District Attorney and Defense vie for the judge's approval. Were Perry Mason to fail to acquit his client, one senses that his security as apex of the domestic triangle might well be threatened, and given his legal antics he might even

6. In contrast, those whom Mason defends rather than accuses become ciphers under his care, deprived of agency other than tardily apologizing for withholding crucial evidence or indignantly hissing at ill-disposed witnesses.

be ejected from the courtroom, leaving the field open for absolute approval by the judge for the clamorous Hamilton Burger. By extorting the murderer's confession, Mason is restored to power in each triangle, thereby maintaining the absolute stasis of lust which characterizes these endlessly suspended configurations. To maintain that stasis is not a question of inertia but of considerable expenditure of energy: energy spent in the erotic exchange of the confession scenario, wherein the accuser's declaration of his own compelled relation to the murderer (in the form of his accusation) ensures his efficacy as agent by reabsorbing him into the fabric of his life while reinventing the terms of his commitment to it.

In consonance with the suggestive obsolete meaning of the term "ad-dict," ("To deliver over formally by sentence of a judge. . . . Hence, *fig.* to make over, give up, surrender," *Oxford English Dictionary*), the judge makes his most significant contribution to the proceedings by formalizing the confessed murderer's addiction. Addiction has its roots in judgment and accusation: according to the *OED*, it can be traced back to the Latin *ad* + *dicere*, to say, whose roots are akin to those of the Old English *teon*, to accuse, and the Greek *dike*, meaning judgment or right. The notion that one might learn to be measured and judicious in choosing one's actions by witnessing, or even engaging in, compulsive confession presupposes an opposition between judgment and addiction. But addiction plays out a compulsion to measure, to gauge obsessively the gradual escalation of one's habit, to learn to judge precisely what and how much will produce varying effects. The addict converts the gravity of choosing whether or not to the thrill of choosing how much. When Perry Mason in effect invents the murderer's agency precisely at the moment that the latter is proclaiming the determination of his actions, he also in effect deprives the judge of the power to decide whether or not the evidence proves that the defendant should be bound over for trial.⁷ The role of judge and jury at the trial will now be to decide not whether or not to punish the murderer, but how much to do so. The judge has been maneuvered by the scene of confession into the position of addict, for whom potential choice has been replaced by the compulsive measurement of how far to go. Similarly, as viewers our increasingly finely-honed skill at assessing who is and is not the murderer is the product not of the internalization of ethical judgment but of the discrimination born of sensitization to a formula whose terms are susceptible to scrupulous measurement. In the nearly undeviating structure of the show, we learn to judge who might be the murderer according to whether it is time for him to be discovered, how marginal yet significant his character is, what precise degree of unlikelihood might induce the same portion of surprise each time he is unmasked.

7. The courtroom climax routinely occurred at a pretrial hearing, according to McNeil, in order to save the cost of hiring actors for a jury.

If the culture of morbidity whose consolations D. A. Miller so acutely diagnoses works to cure the individual of those dilemmas about agency that would lead him to a prolonged fit of anti-social sulks, it does so in the popular courtroom drama by repeatedly inducing a crisis of agency which it renames the total cure. At each moment of dramatized confession, the concept of responsible agency which guarantees the coherence of legal assessment and punishment appears in the guise of compulsion, so that the legal process winds up being stabbed by its own moral underpinnings. The sometime logos of the show represents the ambivalent nature of the law's triumph. The imposing figure of Lady Justice clutches a downturned sword in the right hand and gingerly thrusts the scales of Justice out in the left. The substantial image of Perry Mason diminishes until a miniature Mason appears inscribed on the sword. Justice stands in the pose of Cellini's Perseus holding the head of the Medusa; if Perry Mason is her sword, then he is presumably the weapon that has decapitated the power of the law to weigh the evidence which would decide guilt or innocence—the scales of Justice, instead, now conflate such measurement with weighing the consequences of our compulsive binges. If one recalls John Ruskin's obsession with measurement and quirkily compulsive forms of true confession, then we might well sympathize with the murderer on one episode of Perry Mason, the hapless John Ruskin, who exclaims at the moment when Perry Mason, closely interrogating a witness named Locke, swiftly exposes Ruskin's guilt: "All that theorizing about Locke—it was really me you were after, wasn't it, Mason?"

In the courtroom confession scenario, addiction is the repeated invocation of and submission to the formula of a crisis whose ambiguous and even self-contradictory terms one takes to be a resolution of that crisis. The law is the system which ratifies that formula. "Formula" is the operative word here: what is striking about this scenario is the degree to which it sets out the terms for what might be perceived as a crisis of agency—the incoherence of what it takes to be the legal account of agency and judgment as born out of compulsion—without appearing to concede that crisis as such. Louis Michael Seidman has demonstrated the problematically self-contradictory account of agency written into constitutional law: but from the perspective of the popular imagination that account of agency is precisely what motivates the law. When the murderer, confessing, submits to deriving agency through the lawyer's system of judgment, that is because he is in effect experiencing a moment of seeing through the terms of the system that creates him: an hallucinatory lucidity in which everything becomes clear, in which one has the illusion of reading the codes of a system and using that insight not as a form of critique, but as a willing submission to its terms. In that submission, staged as a contentious encounter with the law, the confessor experiences the thrill that makes such submission worthwhile: a moment of complicity with a figure of judgment

1990]

Sokolsky

199

who will not wink back, whose position on whether or not he is seeing through the same rent in the system he upholds remains satisfyingly inscrutable.

